

S.R. 95 - By Brooks, Mengden, Jones of Harris, Williams, Ogg: Memorial resolution for Morris Frank.

S.R. 96 - By Adams: Memorial resolution for Coleman Cliburn.

S.R. 97 - By Adams: Memorial resolution for Robert Nash.

CONGRATULATORY RESOLUTIONS

S.R. 93 - By Snelson: Extending congratulations to Mrs. Naomi F. Ingram.

S.R. 94 - By Snelson: Extending congratulations to Richard Senter.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:04 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

ELEVENTH DAY

(Tuesday, February 1, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

Pastor Merle Franke, First English Lutheran Church, Austin, offered the invocation as follows:

Lord, these days our attention is focused largely on crises that loom large on all our horizons—particularly the severity of weather and the shortage of energy.

We pray for relief from the devastation of nature's wrath and for the alleviation of suffering of our people. We pray also that we, as responsible people, may use wisely the resources You gave us in this good creation.

Perhaps the awesome power of nature's storms and the diminishing power to heat our homes will serve to remind us who it is that holds the ultimate power over all things...and that we must depend for all things upon You.

God, in this legislative assembly and in the private lives of all of us, grant us spiritual energy to empower our lives and grant us Your power to act responsibly in the trust that has been placed upon each of us. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 3
S.B. 84
S.B. 182
S.B. 190
S.B. 191
C.S.S.B. 305 (Read first time)

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 19 (Ordered not printed)
S.C.R. 17 (Ordered not printed)
S.C.R. 18 (Ordered not printed)
H.C.R. 23 (Ordered not printed)
C.S.S.C.R. 14 (Read first time)
C.S.S.C.R. 13 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 83
S.B. 54
S.B. 259
S.J.R. 8
C.S.S.B. 13 (Read first time)

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 16

CO-AUTHOR OF SENATE BILL 375

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 375**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 376**.

CO-AUTHOR OF SENATE BILL 377

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 377**.

CO-AUTHOR OF SENATE BILL 378

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 378**.

CO-AUTHOR OF SENATE BILL 379

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 379**.

CO-AUTHOR OF SENATE BILL 380

On motion of Senator Hance and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 380**.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 421 by Meier Human Resources
Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Aging and Special Assistance; transferring certain duties of the State Department of Public Welfare to the Department of Aging and Special Assistance; transferring the duties of the Governor's Committee on Aging to the Department of Aging and Special Assistance.

S.B. 422 by Meier Human Resources
Relating to the creation, administration, and functions of the Health and Welfare Services Transfer Board; abolishing the State Board of Public Welfare.

S.B. 423 by Meier Human Resources
Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Child and Family Resources; transferring certain duties of the State Department of Public Welfare to the Department of Child and Family Resources; transferring the duties of the Texas Youth Council to the Department of Child and Family Resources; transferring certain duties of the Texas Department of Community Affairs to the Department of Child and Family Resources; making various conforming amendments to the Family Code by adding Section 11.011 and by amending Subsection (b) of Section 51.10, Subsections (d) and (e) of Section 54.04, Subsections (a), (f), (g), and (h) of Section 54.05, and Subsection (c) of Section 54.06; abolishing the Texas Youth Council.

S.B. 424 by Meier State Affairs
Relating to periodic review and termination of certain agencies and advisory committees.

S.B. 425 by Longoria Education

Relating to admission of children under the age of 18 years to the public schools; providing for determinations by the board of trustees respecting residency; amending Section 21.031, Texas Education Code by adding Subsection (d).

S.B. 426 by Longoria

Finance

Relating to the use of white-winged dove stamp revenue; amending Subsection (c), Section 43.014, Parks and Wildlife Code.

S.B. 427 by Santiesteban

Human Resources

Relating to the regulation of the practice of social work and the creation, duties, and authority of the Social Workers' Board; providing penalties; and declaring an emergency.

S.B. 428 by Parker

State Affairs

Relating to regulation of certain persons engaged in the business or occupation of conducting investigations or providing security services; amending the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), by adding Subdivision (25) to Section 2; amending Sections 3(a), 11A, 13, 14(c), 15(a) and (c), 16(b), 17, 19(a), 24, 27, 40, 42, 45, 46, 48, and 50(a); adding Subsection (e) to Section 18; and amending Article 2.12, Code of Criminal Procedure, 1965, as amended.

S.B. 429 by Mauzy

Jurisprudence

Relating to workmen's compensation benefits for employees recruited in this state; amending Section 19, Article 8306, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 430 by Hance

Education

Relating to requiring that each contract entered into between the State Board of Education and a textbook publisher contain a provision stating that the publisher will provide certain teacher training institutions with a free copy of each book covered by the contract; amending Section 12.29, Texas Education Code, by adding Subsection (f); and declaring an emergency.

S.B. 431 by Hance

State Affairs

Relating to interest earned on deposits in the Texas Municipal Retirement System; providing for optional retirement benefits for certain members of the Texas Municipal Retirement System; amending Subdivision (d), Subsection 1, Section V, Chapter 75, Acts of the 50th Legislature, 1947, as amended (Article 6243h, Vernon's Texas Civil Statutes); amending Subsection 3, Section VII, Chapter 75, Acts of the 50th Legislature, 1947, as amended (Article 6243h, Vernon's Texas Civil Statutes), by adding a Subdivision (c); and declaring an emergency.

S.B. 432 by Schwartz

Natural Resources

Relating to the authority of the Parks and Wildlife Department to construct artificial reefs; amending the Parks and Wildlife Code by adding Section 12.016.

S.B. 433 by Braecklein, Mauzy

Jurisprudence

Relating to the definition of "junked vehicle"; providing punishment by court fine not to exceed \$200 for those who do not abate public nuisances; amending Sections 2 and 10, Chapter 784, Acts of the 62nd Legislature, 1971, as amended (Article 6687-9, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 434 by Mengden Natural Resources
Relating to certain charges and fees of certain water control and improvement districts and municipal utility districts; amending the Water Code by adding Sections 50.055, 51.195, and 54.2041.

S.B. 435 by Mengden State Affairs
Relating to regulation of pecuniary interests of members and former members of certain state boards and commissions; amending Section 2, Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9b, Vernon's Texas Civil Statutes), and adding Section 7A; providing a penalty.

S.B. 436 by Mengden State Affairs
Relating to certain conduct of members of the State Board of Insurance; amending Chapter 1, Insurance Code, as amended, by adding Article 1.09-4; and providing a penalty.

S.B. 437 by Andujar State Affairs
Relating to the creation, membership, terms of office, organization, compensation, powers, and duties of the Texas Commission on the Status of Women; providing for appointment of an advisory panel and for cooperation of other state agencies; limiting the life of the commission.

S.B. 438 by Farabee Jurisprudence
Relating to a municipality's right to subrogation when it makes salary continuation payments to a municipal employee.

S.B. 439 by Creighton Intergovernmental Relations
Relating to the creation of the 275th Judicial District composed of Erath and Hood counties and the creation of the office of the District Attorney of the 275th Judicial District; reorganizing the 29th and 235th Judicial Districts; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.102 and amending Subsections (a) and (c) of Section 3.028; amending Subchapter D, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 4.005; amending Subdivision 29, Article 199, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 440 by Jones of Harris, Mauzy, Brooks Human Resources
Relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

S.B. 441 by Sherman Education
Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Section 16.151, relating to the operating cost allotment to school districts; amending Section 16.206(b) and (c), relating to the allotment to school districts for transportation services; amending Section 16.102(d), relating to the personnel unit allotment for certain sparsely populated school districts; amending Section 16.252, relating to each school district's share of the foundation school program cost; amending Subchapter H, Chapter 16, relating to equalization aid for program enrichment; adding Subsection (e) to Section 16.056, relating to addition of tax assessors to the Texas Public Education Compensation Plan; adding Chapter 14, relating to a system of accountability for various state, regional, and local agencies and officers; adding Subchapter D to Chapter 20, relating to tax assessment practices of school districts; amending Section 20.03, relating to property appraisals, assessment ratios, and tax

rates of certain school districts; amending Section 20.04(d), relating to maximum tax rates for maintenance and for debt service and the election propositions on those issues; repealing Sections 16.176, 16.256, 16.206(d), (e), and (f), and 16.207(d); and including transition provisions.

S.J.R. 36 by Parker

Finance

Proposing an amendment to Article VIII of the Texas Constitution to provide for exemption of certain personal property from taxation.

S.J.R. 37 by Mengden

State Affairs

Proposing a constitutional amendment to prohibit members and former members of certain state boards and commissions from having certain pecuniary interests.

S.R. 106 by Schwartz, Longoria, Parker, Truan

Natural Resources

Authorizing a comprehensive assessment of Texas Coast barrier islands and related resources; requesting a report to the Legislature and Governor before December 31, 1978.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

January 31, 1977

The Honorable William P. Hobby
Lieutenant Governor
President of the Senate
Austin, Texas

The Honorable Bill Clayton
Speaker of the House of Representatives
Austin, Texas

Honorable Members of the Legislature
Austin, Texas

Honorable Lieutenant Governor, Honorable Speaker, and Honorable Members of the Legislature:

Today I am submitting as an emergency matter the accompanying measure under the provisions of Article III, Section 5, of the Constitution of the State of Texas. I urge your prompt consideration and enactment of this measure.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

TO THE MEMBERS OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

As I said in my State-of-the-State message, the highway funding crisis is severe and must be affirmatively dealt with as a priority question of our State's economic prosperity.

As we all know, by 1980 all available revenue for the state highway system will be needed for maintenance, with no funds for new construction or for upgrading obsolete roads and bridges. Furthermore, we will run out of sufficient funds to match available federal funds for the state system.

Affirmative action resulting in a long range solution to this problem is absolutely essential.

Therefore, I submit to the 65th Legislature as an emergency matter pursuant to the provisions of Article III, Section 5, of the Texas Constitution, the companion bills, **H.B. 3** and **S.B. 50**, which provide an adequate and meaningful solution to this crisis. I urge your prompt consideration and passage of these measures.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 1, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the **TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS**: For a six-year term to expire January 31, 1983: Mr. James P. Baker of Lufkin, Angelina County is being reappointed; Mrs. Hollis B. Atkinson of Waco, McLennan County is replacing Mr. Virgil N. Maxwell of Houston, Harris County whose term expired.

To be a Member of the **TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES**: For a six-year term to expire January 31, 1983: Mr. Roland M. Searcy, Jr. of Bryan, Brazos County is being reappointed; Mrs. Anne Mortimer Ballantyne of Dallas, Dallas County is replacing Mr. John Mason Lankford, Jr. of Fort Worth, Tarrant County whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

MESSAGE FROM THE HOUSE

House Chamber
February 1, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 9, Inviting Congressman James C. Wright, Jr., to address a joint session.

H.C.R. 36, In memory of Representative Joseph Francis Sage.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.C.R. 9, To Committee on Administration.

SENATE BILL 144 ON SECOND READING

Senator Adams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 144** be taken up for consideration at this time:

S.B. 144, A bill to be entitled An Act relating to the regulation of public surveyors; providing penalties; amending Sections 2(b), 3, 5, 6, 7, and 8 of the Registered Public Surveyors Act of 1955, as amended (Article 5282a, Vernon's Texas Civil Statutes), and adding Section 6B.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 144 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 144** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 30 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 30. A bill to be entitled An Act relating to removing questions concerning legitimacy from the certificate of birth; amending Sections 14 and 14A, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rules 47a and 47b, Article 4477, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 30 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 37 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 37, Relating to the liability of the state for certain actions of state officers or employees; amending Chapter 309, Acts of the 64th Legislature, Regular Session, 1975 (Article 6252-26, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 37** by adding the following at the end of Section 2, page 1, Line 55 of the Senate printing:

It shall not constitute a conflict of interest for the Attorney General to defend an officer or employee under this Act and also to prosecute any legal action against such officer or employee as may be required or authorized by law, so long as different assistant attorneys general are assigned the responsibility for each action.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 37 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 37** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Meier.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 25 ON SECOND READING

Senator Williams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 25** be taken up for consideration at this time:

S.B. 25, A bill to be entitled An Act relating to hunting and fishing license requirements for certain disabled veterans of the armed forces of the United States; amending Subsection (a), Section 46.003, Parks and Wildlife Code; adding a Section 42.0041 to Chapter 42, Parks and Wildlife Code.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 25 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 25** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE JOINT RESOLUTION 2 ON SECOND READING

Senator Lombardino moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.J.R. 2** be taken up for consideration at this time:

S.J.R. 2, Proposing an amendment to Article III, Section 47, of the Texas Constitution, to authorize the establishment of certain bingo games and raffles for the benefit of nonprofit charitable organizations.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Hance, Jones of Taylor, Mauzy, McKnight.

The President laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time.

Senator Hance offered the following amendment to the resolution:

Amend **S.J.R. 2**, Section 1, by inserting the words "authorized to conduct their business in the State of Texas" between the words "organization" and "if".

The amendment was read:

Senator Schwartz offered the following amendment to the pending amendment:

Amend the pending amendment by substituting the following language for the entire Sec. 47.

"Section 47. The Legislature shall pass laws prohibiting ~~the establishment of~~ lotteries and gift enterprises in this State, except that the Legislature by law may authorize bingo or raffles conducted for the benefit of a nonprofit or charitable organization authorized to conduct their business in the State of Texas if:

The amendment to the pending amendment was read.

Question - Shall the amendment to the pending amendment be adopted?

MOTION TO ADJOURN

Senator Adams moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on motion to adjourn, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote: Yeas 9, Nays 20.

Yeas: Adams, Aikin, Hance, Jones of Taylor, Mauzy, McKnight, Parker, Sherman, Snelson.

Nays: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Truan, Williams.

Absent: Moore, Traeger.

SENATE JOINT RESOLUTION 2 ON SECOND READING

The Senate resumed consideration of **S.J.R. 2** on its second reading and passage to engrossment with an amendment by Senator Schwartz to an amendment by Senator Hance pending.

Question - Shall the amendment to the pending amendment be adopted?

The amendment to the pending amendment was adopted by the following vote: Yeas 25, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Jones of Taylor, McKnight, Sherman, Snelson.

Absent: Moore.

The amendment as amended was then adopted.

Question - Shall the resolution as amended be passed to engrossment?

MOTION TO ADJOURN

Senator Adams moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion was lost by the following vote: Yeas 10, Nays 20.

Yeas: Adams, Aikin, Creighton, Hance, Jones of Taylor, Mauzy, McKnight, Parker, Sherman, Snelson.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Absent: Moore.

SENATE JOINT RESOLUTION 2 ON SECOND READING

The Senate resumed consideration of **S.J.R. 2** on its second reading and passage to engrossment.

Question - Shall the resolution as amended be passed to engrossment?

Senator Hance offered the following amendment to the resolution:

Amend **S.J.R. 2**, Section 1, Subdivision 2, by adding the words "on property owned or leased by the organization" following the word "law".

The amendment was read and was adopted.

Senator Hance offered the following amendment to the resolution:

Amend **S.J.R. 2**, Section 1, by adding a new Subdivision (3) to read as follows: "(3) the games are conducted, promoted, and administered by members of the nonprofit organization; and"

The amendment was read and was adopted.

Senator Hance offered the following amendment to the resolution:

Amend **S.J.R. 2**, Section 1, by adding the following sentence at the end of Section 1:

"All other lotteries and gift enterprises, including parimutuel gambling, are hereby prohibited."

The amendment was read.

On motion of Senator Lombardino, the amendment was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Andujar, Braecklein, Brooks, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Santiesteban, Schwartz, Snelson, Traeger, Truan.

Nays: Adams, Aikin, Clower, Creighton, Farabee, Hance, Jones of Taylor, Mauzy, McKnight, Moore, Parker, Patman, Sherman, Williams.

On motion of Senator Hance and by unanimous consent, the vote by which amendment number 3 was adopted was reconsidered.

Question - Shall the amendment be adopted?

On motion of Senator Hance and by unanimous consent, amendment number 3 was withdrawn.

Senator Hance offered the following amendment to the resolution:

Amend **S.J.R. 2**, Section 1, by adding a new Subsection (3) to read as follows: "(3) the games are conducted, promoted, and administered by members of the nonprofit or charitable organization;

The amendment was read and was adopted.

On motion of Senator Lombardino and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Aikin, Farabee, Hance, Jones of Taylor, Mauzy, McKnight, Sherman, Snelson.

MEMORIAL RESOLUTIONS

H.C.R. 36 (Lombardino): Memorial resolution for former Representative Joseph Francis Sage.

S.R. 98 - By Farabee: Memorial resolution for Joe B. Wolverton.

S.R. 99 - By Farabee: Memorial resolution for Judge H. W. Fillmore.

S.R. 103 - By Adams: Memorial resolution for Mrs. John D. (Leila) Clark.

S.R. 104 - By Snelson: Memorial resolution for Robert Aylmer Gilmer.

S.R. 105 - By Snelson: Memorial resolution for J. W. "Skipper" Thomas.

S.R. 108 - By Schwartz: Memorial resolution for Ross J. Keller.

CONGRATULATORY RESOLUTION

S.R. 107 - By Ogg: Extending congratulations to 1976 Memorial High School Mustang Football Team.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:37 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory**of****Judge L. D. Ratliff**

Senator Farabee offered the following resolution:

(Senate Resolution 101)

WHEREAS, The Senate of the State of Texas wishes to honor the memory of Judge L. D. Ratliff, presiding judge of the 110th District Court, who died on January 24, 1976 at the age of sixty-seven years; and

WHEREAS, Judge Ratliff was a native of Decatur, Texas, having moved to Dickens County in 1933, and resided at Spur, Texas at the time of his death; and

WHEREAS, Judge Ratliff served as County Attorney in Dickens County from 1934 to 1942 and became District Judge of the 110th District in 1957; and

WHEREAS, He was a member of the Texas Bar Association and served on the Board of Stewards of the First United Methodist Church in Spur; and

WHEREAS, Judge Ratliff was presiding over a civil jury in Matador, Texas when he was stricken with a heart attack which resulted in death; and

WHEREAS, This community leader is survived by his wife, the former Marie Bybee; a daughter, Mrs. David Collier of Lubbock, five brothers, Hugh Ratliff, Judge Bill Ratliff and former Judge Dennis Ratliff, all of Haskell; O. B. Ratliff of Lubbock; former State Senator David Ratliff of Abilene; three sisters, Mrs. C. T. Westand, Mrs. Lynn Pace, Jr. of Haskell, and Mrs. Paul Pearson of Orange; and two grandchildren; and

WHEREAS, It is the desire of the Senate to pay tribute to this worthy citizen, now, therefore, be it

RESOLVED that on this day the Senate of the 65th Legislature does hereby honor the memory of the Honorable L. D. Ratliff and extends sympathy to the members of his family; and be it further

RESOLVED that copies of this Resolution be prepared under the Seal of the Senate and be forwarded to his family.

The resolution was read and was adopted by a rising vote of the Members of the Senate.

In Memory**of****Mrs. Myra Trotti Adams**

Senator Adams offered the following resolution:

(Senate Resolution 102)

WHEREAS, On Friday, September 5, 1975, death brought to a close the long and useful life of one of Jasper's most beloved and respected citizens, Mrs. Myra Trotti Adams; and

WHEREAS, Mrs. Adams was the wife of the Honorable F. P. Adams, district judge of Jasper County, who preceded her in death, and the grandmother of the Honorable Don Adams, senator from the 3rd Senatorial District of the State of Texas; and

WHEREAS, Mrs. Adams was a remarkable woman in many ways: she was a member of the First United Methodist Church of Jasper where she and Judge Adams worshipped together all of their married life. She was a devoted wife, mother, grandmother, and great-grandmother; and

WHEREAS, This beloved and respected lady will be greatly missed by members of her family and her host of friends in Jasper County and throughout the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas by this resolution, show honor and respect to Mrs. Myra Trotti Adams, and extend deep sympathy to the members of her family on their great loss: to her three sons, Judge T. Gilbert Adams, F. P. Adams, Jr., and Abel Adams, all of Jasper; three daughters, Mrs. Ruth Walters of Tyler, Mrs. Margie Strong of Maplewood, Louisiana, and Mrs. Chrystene Williams of San Mateo, California; a sister, Mrs. Jamie Trotti Lincoln of Silsbee; 15 grandchildren; and 14 great-grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of Mrs. Adams' family as a token of respect from the Senate of Texas; and, be it further

RESOLVED, That when the Senate of the 65th Legislature adjourns this day it do so in respect to and in memory of Mrs. Myra Trotti Adams.

The resolution was read and was adopted by a rising vote of the Members of the Senate.